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## **STAFF COMMENTS FOR PLANNING COMMISSION**

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**MEETING DATE:** June 7, 2006

**SITE PLAN:** **AFP-06-016**

**TITLE:** **William Gallery & Company**

**REQUEST:** **AMENDMENT TO FINAL PLAN APPROVAL**  
For Change of Use from Medical Office to Business Office

**ADDRESS:** 20 South Summit Avenue

**ZONE:** R-B (Residential Buffer)

**APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER:** (as applicable)

Applicant: Michael Gallery, for Wm Gallery & Company  
Architect: Ralph Hurst

**STAFF PERSON:** Patricia Patula

**Enclosures:**

Staff Comments  
Exhibit 1: Application  
Exhibit 2: Aerial showing location  
Exhibit 3: Letter from Michael Gallery describing business use  
Exhibit 4: Excerpt from R-B Zone  
Exhibit 5: Site Plan and Location Map

## STAFF COMMENTS

**Location.** The subject of the application is located at 20 South Summit Avenue, which is directly across the street from City Hall. To the north is the DANAC building and to the south St. Martin's Church and school. The property sits at the boundary of the CBD Zone which incorporates Olde Towne.

**Request.** The site at 20 South Summit incorporates two buildings: a home and a separate one-story building at the rear of the house, previously used as an optometrist's office approved by the Planning Commission in 1980 as site plan S-626A. The applicant, William Gallery & Company, requests to use the medical office for business purposes. The house will continue to be used as a residence. See Exhibit 3 for a more detailed description of the business, which is primarily administration of catalogue orders.

**R-B Zone Requirements.** Section 24-41, (Exhibit 4) requires that ". . . (no) use be established. . . under this zone which requires the issuance of an occupancy permit until a site development plan has been approved by the city planning commission pursuant to the requirements of Article V . . ." The applicant will be making interior changes to the building and will need an official "Use and Occupancy" permit. Therefore, this application is before the Planning Commission to review the change of use. Additionally, the change of parking requirements also requires the review.

**Exterior Changes.** Since the rear structure (office) is already ADA accessible, the only exterior physical changes to the property will be the restriping of the parking lot per the City's current double striped pattern. The seven spaces, which include one handicap space, fulfill the parking requirements for this use. The existing security lighting needs to be re-evaluated by the Department of Public Works, Parks Maintenance, and Engineering.

**Historic Site.** This site, the I.T.Fulks/William Harding House, was designated as a local historic site in July of 2001. No historic area work permit (HAWP) is required for the repainting of the parking spaces. However, a historic area work permit will be required for a new business sign which will need to meet the Olde Towne Design Guidelines.

**Conclusion.** Staff recommends **approval of AFP-06-016** finding it in conformance with Sections 24-41 and 24-22 (R-B Zone and uses) as well as Section 24-170 with the following conditions:

1. Applicant is to receive approval of the lighting plan by the Department of Public Works, Park Maintenance, and Engineering prior to the issuance of a use and occupancy permit.
2. Applicant is to receive approval of a new sign from the Historic District Commission via the historic area work permit process prior to the issuance of a sign permit.

## AMENDMENT TO FINAL PLAN APPLICATION

In accordance with Section 24, Article V of the City Code

|               |            |
|---------------|------------|
| Application # | AFP-06-016 |
| Date Filed    | 5-9-06     |
| Total Fee     | 200.-      |

### 1. SUBJECT PROPERTY

Project Name William J. Gallery #Co.  
 Street Address 20 S. Summit Ave.  
 Zone RBD Historic area designation ☒ Yes ☐ No  
 Lot 3 Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Tax Identification Number (MUST BE FILLED IN) \_\_\_\_\_

### 2. APPLICANT

Name Mike Gallery  
 Street Address 7909 Rocky Road Suite No. \_\_\_\_\_  
 City Gaithersburg, MD State MD Zip Code 20882  
 Daytime Telephone (301) 942-4700

### 3. ARCHITECT/ENGINEER/DEVELOPER

Architect's Name Ralph Horst Architect  
 Architect's Maryland Registration Number 5042 Telephone (301) 948-4210 **CONTACT**  
 Street Address P.O. Box 336 Suite Number \_\_\_\_\_  
 City Washington Grove State MD Zip Code 20880

Engineer's Name \_\_\_\_\_  
 Engineer's Maryland Registration Number \_\_\_\_\_ Telephone \_\_\_\_\_  
 Street Address \_\_\_\_\_ Suite Number \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

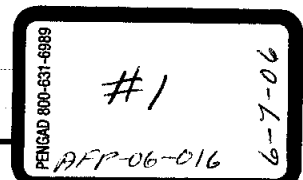
Developer's Name \_\_\_\_\_ Telephone \_\_\_\_\_  
 Street Address \_\_\_\_\_ Suite Number \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Contact Person \_\_\_\_\_ Telephone \_\_\_\_\_

### 4. PROPERTY OWNER (current)

Name Dr. Kaplan  
 Street Address 20 S. Summit Ave. Suite No. \_\_\_\_\_  
 City Gaithersburg State MD Zip Code 20877  
 Daytime Telephone (301) 977-6688

### 5. CITY PROJECT NUMBER

Original Site Plan Number S-626(A) Date Approved 1-2-80  
 Name of previously approved Final Plan Kaplan Office Building



**6. WORK DESCRIPTION**

Please state clearly changes requested from final approved plan.

Re-stripe existing paved parking area per plan

**7. PROJECT DETAIL INFORMATION****a. POPULATION CHANGES ( if any)**

Changes in population estimated due to amendment.

Employee estimate: Total number \_\_\_\_\_ Total number per shift \_\_\_\_\_

Resident estimate: Total number \_\_\_\_\_ Total number per dwelling unit \_\_\_\_\_

**b. PLEASE SUPPLY THE FOLLOWING INFORMATION**

| DEVELOPMENT INFORMATION  |         | REQUIRED | PROVIDED |
|--|---------|----------|----------|
| 1. Site (square feet)  |         |          |          |
| 2. Site Area (acres)   |         |          |          |
| 3. Total Number of Dwelling Units/Lots   |         |          |          |
| 4. Height of Tallest Building  |         |          |          |
| 5. Green Area (square feet)  |         |          |          |
| 6. Number of Dwelling Units/Acre   |         |          |          |
| 7. Lot Coverage (Percent)  |         |          |          |
| 8. Green Area (Percent)  |         |          |          |
| 9. Residential   |         |          |          |
| a. Single Family Detached  | # Units |          |          |
| b. Single Family Attached  | # Units |          |          |
| c. Multi-Family Condo  | # Units |          |          |
| d. Multi-Family Apartment  | # Units |          |          |
| e. Other   |         |          |          |
| 10. Retail/Commercial  | Sq. Ft. |          |          |
| 11. Restaurant Class: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C | Sq. Ft. |          |          |
| 12. Office/Professional  | Sq. Ft. |          |          |
| 13. Warehouse/Storage  | Sq. Ft. |          |          |
| 14. Parking  |         |          |          |
| 15. Shared Parking/Waiver  |         |          |          |
| 16. Other  |         |          |          |
| 17. Total  |         |          |          |

**SUBMISSION REQUIREMENTS**

- Set of plans per the respective checklist. Plans must be folded to 8 1/2 x 11."
- Completion of the table above.

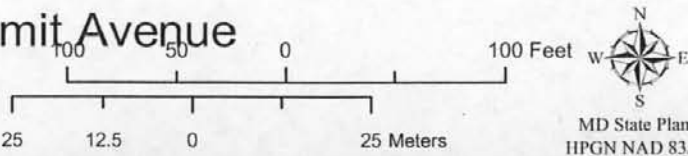
I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Name (please print) \_\_\_\_\_

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Daytime Telephone \_\_\_\_\_

# 20 South Summit Avenue



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City of Gaithersburg  
Planning and Code Admin  
31 S Summit Ave  
Gaithersburg, MD 2087  
(301) 258-6330  
www.gaithersburgmd.go



WHOLESALE

## WILLIAM J. GALLERY &amp; CO.

RETAIL

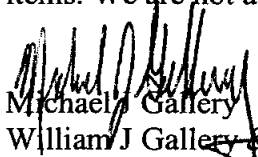
*Publishers, Importers, Jobbers and Dealers in*

CHURCH GOODS, BOOKS AND RELIGIOUS ARTICLES

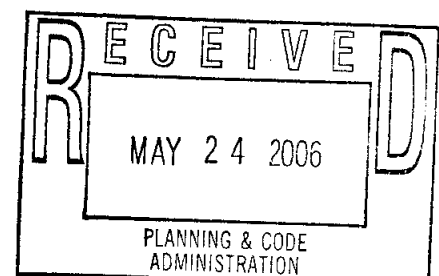
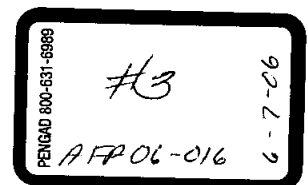
ECCLESIASTICAL ART METAL AND STATUARY, SACRED VESSELS IN GOLD AND SILVER, IMPORTED AND DOMESTIC VESTMENTS,  
PICTURES, CANDLES, CATHOLIC BOOKS AND PERIODICALS, BIBLES, PRAYER BOOKS, MISSION SUPPLIES

11272 Georgia Avenue Wheaton, Maryland 20902

The William J Gallery & Co is primarily an administrative Entity dealing in the sale of Church Goods and Religious Articles. Our work consists mostly of processing factory direct shipments, and to a lesser degree the delivery/pickup of religious goods such as candles, altar bread and devotional items. We are not a general walk up retail store.



Michael J. Gallery  
William J Gallery & Co



## DIVISION 3A. RB ZONE, RESIDENTIAL BUFFER

**Sec. 24-38. Purposes of zone.**

The purpose of the RB Zone is to provide sites for low intensity, office uses and service oriented, non-retail commercial uses within residential style buildings, adjacent to and serving residential communities. This zone is intended to promote the use of existing residential structures and ensure that new construction is compatible in size, scale and architecture with other uses in the neighborhood.

The zone is intended for locations on the fringe of or adjacent to established residential areas or areas reflecting a transition from prior residential use. Intrusion into established residential areas is intended to be minimized by providing low traffic generating, low activity oriented uses whose compatibility will be enhanced by adequate parking, generous screening and buffering. To promote the purposes of this zone, residential occupancy is encouraged, although not required.

The fact that an application for the RB Zone complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of the application.

(Ord. No. O-5-82, § 2)

**Sec. 24-39. Permitted and special exception uses.**

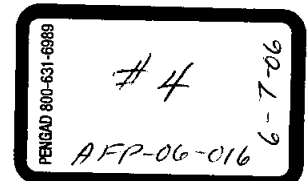
Only those uses designated in section 24-22 under the heading "RB" shall be permitted as of right or by special exception, as indicated therein.

(Ord. No. O-5-82, § 2)

**Sec. 24-40. Development requirements and residential use.**

(a) No development shall be permitted, and no plan of subdivision or building or occupancy permit approved, for any lot, tract or parcel, unless in accord with the requirements of this section; except, that the planning commission may waive any development requirement to permit the use of an existing building or structure to the extent necessary to relieve any hardship or as is necessary to implement the comprehensive master plan for the city.

- (1) *Height restriction.* No structure or building shall exceed forty (40) feet in height or contain more than three (3) stories.
- (2) *Lot coverage.* No more than thirty (30) percent of any lot, parcel or tract may be occupied by buildings or structures, including accessory buildings.
- (3) *Green area.* A minimum of thirty (30) percent of the lot, parcel or tract shall be devoted to green area. Green area shall not be deemed to include area devoted to off-street parking of vehicles.



(4) *Building character.* Every building constructed under this zone shall have an exterior design and appearance of a residential structure. Improvements, additions or modifications to the exterior of an existing structure shall enhance or be consistent with the appearance of a residential structure.

(5) *Setback requirements.* No building or structure shall be located within the following areas set back from the respective lot or parcel lines:

|             |                       |
|-------------|-----------------------|
| Front ..... | 10 feet               |
| Rear .....  | 20 feet               |
| Side .....  | 10 feet for each side |

(6) *Density.* The maximum density in this zone shall not exceed six (6) individual units per gross acre, exclusive of accessory structures. The dedication of streets to public use within the project shall not reduce the permissible density.

(b) All permitted and special exception uses within this zone do not require residential occupancy of on-site buildings; however, such occupancy shared with other uses of the same building is encouraged as a furtherance of achieving the purposes of the zone.

(c) The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.

(Ord. No. O-5-82, § 2; Ord. No. O-3-99, 1-19-99)

#### **Sec. 24-41. Site plan review and landscape plan.**

(a) No building or structure shall be hereafter erected, altered or modified under the RB Zone which would require the issuance of a building permit, nor shall any use be established, altered or enlarged under this zone which requires the issuance of an occupancy permit until a site development plan has been approved by the city planning commission pursuant to the requirements of Article V of this chapter.

(b) In addition to all other requirements contained in Article V of this chapter, a landscape plan shall be submitted to the city planning commission for its approval. Such landscape plan shall reflect the final condition of and improvements to all pervious areas, including, but not limited to, all man-made and natural features, the location, height or caliper and species of all permanent plant material. Further, such landscape plan shall emphasize buffering and screening against visual intrusion to adjacent properties.

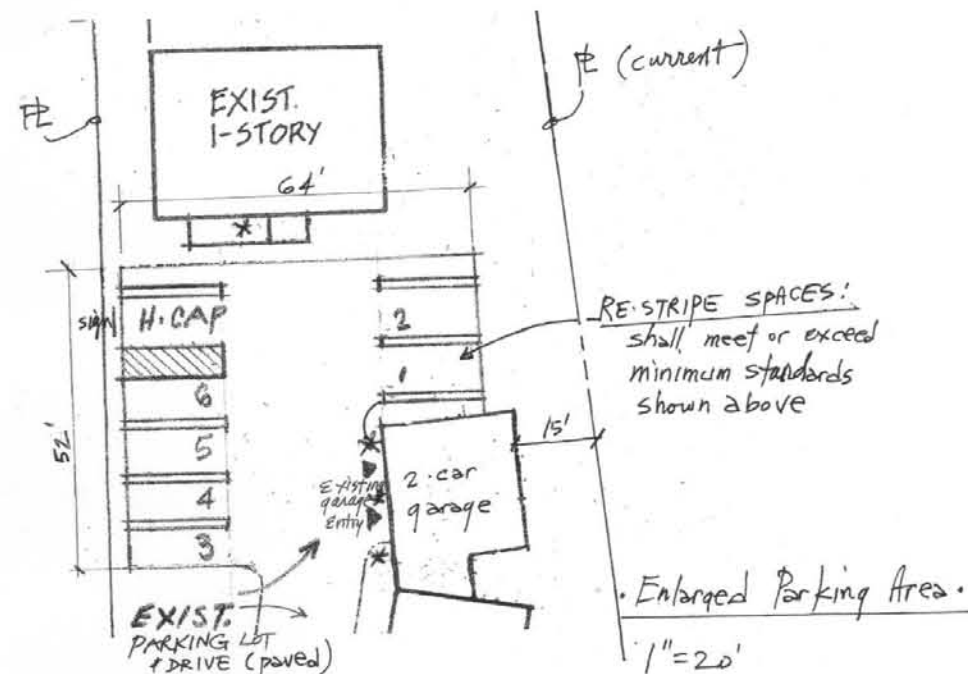
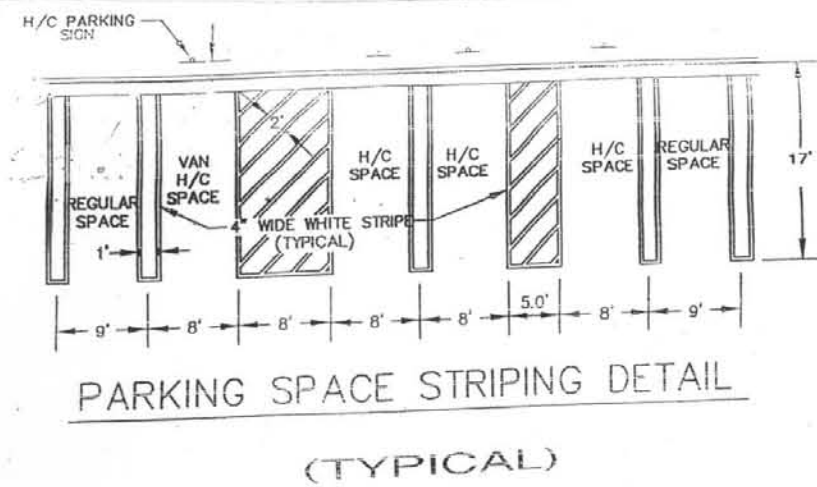
(Ord. No. O-5-82, § 2)

### **DIVISION 4. RP-T ZONE, MEDIUM DENSITY RESIDENTIAL**

#### **Sec. 24-42. Purpose of zone.**

The RP-T Zone is intended to provide for the development of a variety of residential uses at a density higher than that permitted in the R-90 Zone, and to encourage the provision of usable





\* Wall-mounted light fixtures

**PROPERTY OWNER**  
MICHAEL GALLERY  
20 South Summit Avenue  
Gaithersburg, Maryland

**ZONING** RBD

**USE** B BUSINESS OFFICE W/  
ACCESSORY DISPLAY AREA

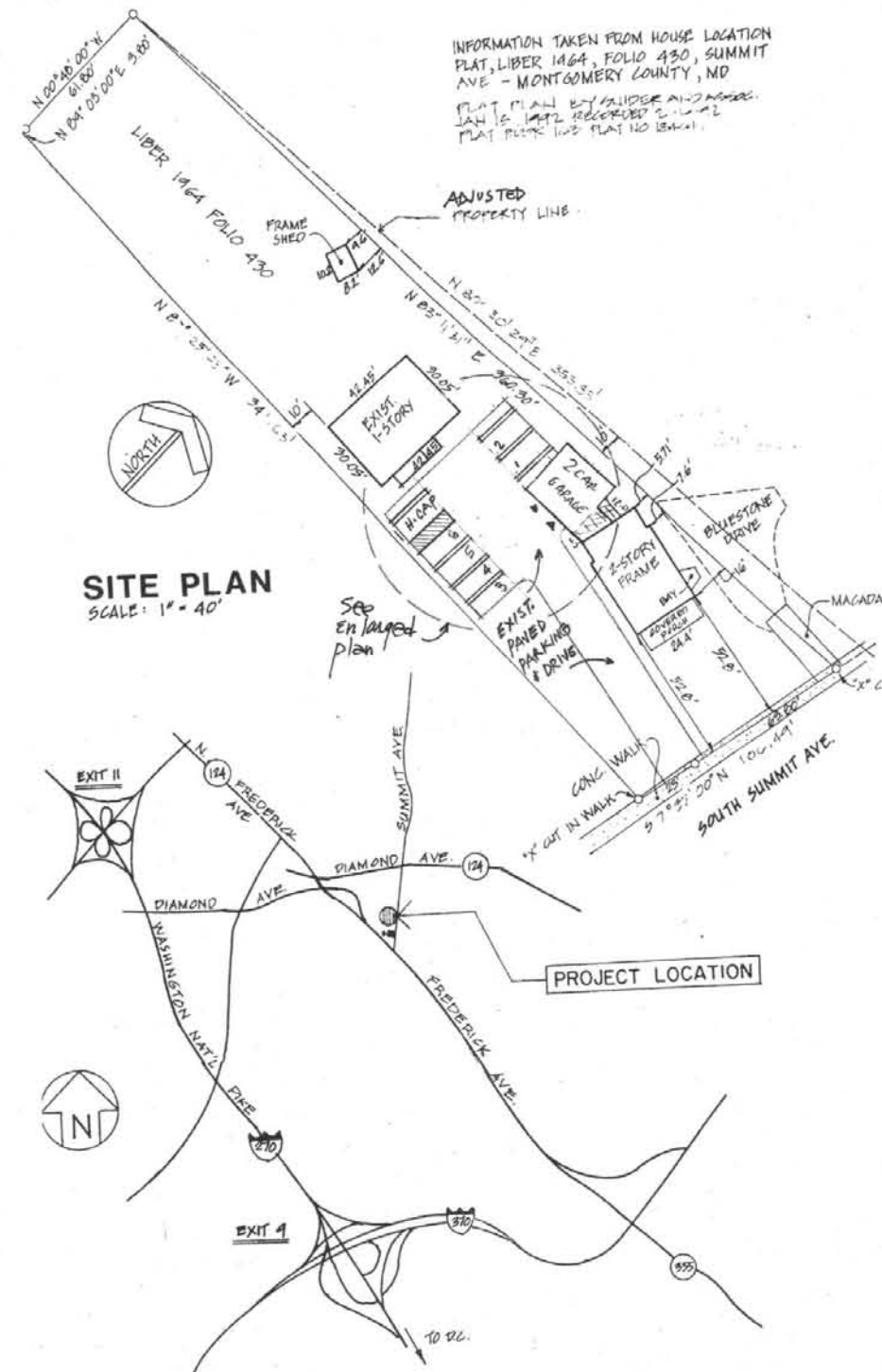
**AREAS**  
EXISTING RESIDENCE + GARAGE 1780 SF  
EXISTING BUSINESS STRUCTURE 1260 SF  
TOTAL PAVED AREA 5525 SF

**TOTAL LOT** 18,070 SF

**LOT COVERAGE** 17%  
**GREEN SPACE** 48%

**PARKING**  
**REQUIRED:** 1 SPACE PER 300 SF  
1260 SF ÷ 300 = 5 REQUIRED

**PROVIDED:** 7 (INCLUDING HANDICAPPED) 5 for business  
2 for residence



**CITY OF GAITHERSBURG**  
DEPARTMENT OF PUBLIC WORKS,  
PARK MAINTENANCE, AND ENGINEERING

**FINAL APPROVAL**

DATE \_\_\_\_\_  
BY \_\_\_\_\_

\* HISTORICALLY DESIGNATED  
SITE HD-28, designated  
on 7-16-2001

**CITY OF GAITHERSBURG PLANNING COMMISSION**  
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877

**SITE PLAN APPROVAL**

AT THE REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION HELD ON \_\_\_\_\_ WAS GRANTED

APPLICATION NO. SP-\_\_\_\_\_

**FINAL SITE PLAN APPROVAL**

WITH \_\_\_\_\_ ( ) CONDITIONS. SEE S.D.A. LETTER.

DATE \_\_\_\_\_ BY \_\_\_\_\_

**NOTE:** ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE PLANNING COMMISSION

#5  
AFP-06-016 6-7-06



**RALPH HURST**  
architect

PO BOX 336  
WASHINGTON GROVE, MD  
20880  
(301) 948-4210

**RECEIVED**

JUN - 1 2006

PLANNING & CODE  
ADMINISTRATION